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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,213	01/13/2004	Jean Rovegno	10623.48US01	6485
23552	7590	09/30/2005	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			SMITH, PHILIP ROBERT	
			ART UNIT	PAPER NUMBER

3739

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/757,213	ROVEGNO, JEAN	
	Examiner	Art Unit	
	Philip R. Smith	3739	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
 4a) Of the above claim(s) 9, 10, 15 and 16 is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-8, 11, 14, 17-30 and 38 is/are rejected.
 7) ☒ Claim(s) 12, 13 and 31-37 is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

[01] The objection to claim 31 is withdrawn in view of the amendment of 9/6/2005.

Claim Rejections - 35 U.S.C. 112, Paragraph Two

[02] The rejections under 35 U.S.C. §112 of claims 5, 11-20, 23-26 are withdrawn in view of the amendment of 9/6/2005.

Claim Rejections - 35 USC § 102

[03] The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

[04] Claims 1-2, 5-7, 21 & 27 are rejected under 35 U.S.C. §102(b) as being anticipated by Rovegno (6,315,712) patented 13 November 2001 for the reasons set forth in the Office action of 6/1/2005.

[05] With regard to the amendment to claim 1: In accordance with the Office action of 6/1/2005, it is maintained that the display unit, secured to a side face of the control unit, form an assembly suitable for being held in one hand while controls for a video processor are actuated using the thumb of said hand.

[06] With regard to the amendment of claim 2: The umbilical cable disclosed by Rovegno is adjacent to the inspection tube disclosed by Rovegno.

[07] With regard to claim 38: Rovegno discloses a videoendoscope comprising:

[07a] An inspection probe including an inspection tube ("flexible inspection tube 2," 12/52) having an endpiece at a first end (distal terminal 1," 12/42) of the

inspection tube, the endpiece housing an optoelectronic imaging device ("color CCD sensor 26," 12/44) delivering an electrical signal;

[07b] A substantially rectangular shaped housing ("box 4," 13/1-17) configured to be held in one hand, the rectangular-shaped housing including a top surface and side surfaces, the top surface of the housing including a display screen ("flat video color monitor 10," 13/4) and a control panel ("panel of sensitive keys," 13/6), one of the sides of the housing secured on a second end of the inspection tube (secured via "control handle 3," 13/1-17), the housing further including a video processor ("video processor 9," 13/43) for processing the electrical signal delivered by the imaging device to generate a video signal ("video signal," 13/63) for display on the display screen, the control panel including controls for controlling and adjusting the video processor ("functioning parameters of the video processor 9 are adjusted...", 13/5-7), the control arranged and configured to be actuated by using the thumb of said hand while the rectangular-shaped housing is being held;

[07c] An umbilical connection cable ("umbilical cable 6," 13/18) having a first end secured to another side of the housing (via "cylindrical tubular handle 5," 13/1-17) for connecting the videoendoscope to a light source ("commonplace external light generator," 13/22) and to an electrical power supply ("electrical energy source," 13/25-26); and

[07d] A bundle of lighting fibers ("optical fibers 20," 14/19-20) integrated without

interruption in the umbilical cable, in the control unit, and then in the inspection tube, and having a first end housed in the endpiece that serves to light a target observed by the probe when a second end of the umbilical cable is connected to a light generator (14/21-30).

Claim Rejections - 35 USC § 103

- [08] The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
- [09] Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rovegno in view of Green (5,928,137), published 27 July 1999, for the reasons set forth in the Office action of 6/1/2005.
- [10] Claims 11, 14, & 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rovegno in view of Yokota (2003/0060681), published 27 March 2003, for the reasons set forth in the Office action of 6/1/2005.
- [11] Claims 17-18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rovegno in view of Yokota, and in further view of Steinberg (5,630,783) patented 20 May 1997, for the reasons set forth in the Office action of 6/1/2005.
- [12] Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rovegno in view of Yokota, and in further view of Kovalcheck (5,549,542) patented 27 August 1996, for the reasons set forth in the Office action of 6/1/2005.
- [13] Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rovegno in view of Wood, et al. (4,941,454), patented 17 July 1990, for the

reasons set forth in the Office action of 6/1/2005.

- [14] Claims 21, 25-26, 28 & 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rovegno in view of Hibino, et al. (4,982,725), patented 17 July 1990, for the reasons set forth in the Office action of 6/1/2005.
- [15] Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rovegno in view of Suzuki, et al. (5,658,238), patented 19 August 1997, for the reasons set forth in the Office action of 6/1/2005.

Allowable Subject Matter

- [16] Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, for the reasons set forth in the Office action of 6/1/2005.
- [17] Claims 12-13 & 31-37 would be allowable if rewritten to overcome the objections and/or rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims, for the reasons set forth in the Office action of 6/1/2005.

Response to Arguments

- [18] Applicant's arguments filed 9/6/2005 have been fully considered but they are not persuasive. Applicant contends that "Rovegno does not disclose or suggest an assembly formed from a display and control unit suitable for being held in one hand while controls for the video processor are actuated using the thumb of the

hand." Since the Applicant has submitted no evidence to support such a characterization, it is respectfully maintained that Rovegno's invention is capable of being manipulated in the fashion prescribed by claim 1.

[19] Applicant further contends that "Rovegno...does not disclose or suggest a videoendoscope in which the umbilical cable and the inspection tube are adjacent." On the contrary, it is maintained that the two are "not distant" (Merriam-Webster Online Dictionary), and therefore adjacent.

[20] Applicant further contends that neither Green, Yokota, or any of the other Prior Art of record discloses or suggests "an assembly formed from a display and control unit suitable for being held in one hand while controls for the video processor are actuated using the thumb of the hand." The point is moot considering that these disclosures have not been used as anticipatory references.

[21] Applicant's request for allowance of claim 38 is denied for the reasons set forth above.

Conclusion

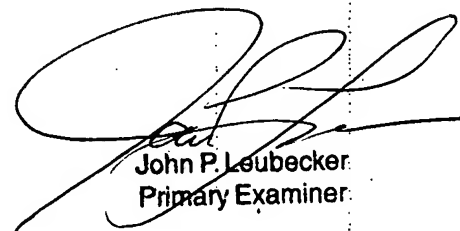
[22] **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

[23] A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory

period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

- [24] Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip R. Smith whose telephone number is (571) 272 6087 and whose email address is philip.smith@uspto.gov. The examiner can normally be reached between 9:00am and 5:00pm.
- [25] If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda Dvorak can be reached on (571) 272 4764.
- [26] Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

[27] prs


John P. Leubecker
Primary Examiner